

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MARK ALEXANDER COMUNTZIS,

Plaintiff,

v.

No. 14-CV-792
(MAD/CFH)

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

APPEARANCES:

LAW OFFICES OF STEVEN R. DOLSON
Attorney for Plaintiff
126 North Salina Street, Suite 3B
Syracuse, New York 13202

**CHRISTIAN F. HUMMEL
U.S. MAGISTRATE JUDGE**

REPORT-RECOMMENDATION and ORDER

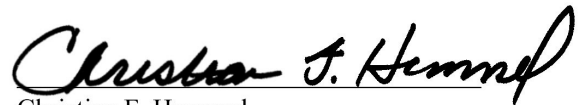
Plaintiff Mark Comuntzis ("Comuntzis") commenced this action on June 30, 2014 under 42 U.S.C. § 405(g) seeking review of the Commissioner's decision denying him disability benefits. Compl. (Dkt. No. 1). On the same date, Comuntzis filed a motion for leave to proceed in forma pauperis. Dkt. No. 2. In an order filed July 7, 2014, Comuntzis' motion for leave to proceed in forma pauperis was denied given his assets and he was directed to pay the entire filing fee of \$350 within thirty days of entry of the order. Dkt. No. 4. Comuntzis has failed to pay the \$350 filing fee. Accordingly, since this action cannot proceed in the absence of Comuntzis' payment of the filing fee, it is hereby

RECOMMENDED that Comuntzis' complaint be **DISMISSED** in its entirety without prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for Comuntzis' failure to

comply with the Court's July 7, 2014 order; and it is hereby

Pursuant to 28 U.S.C. § 636(b)(1), the parties have fourteen days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN DAYS WILL PRECLUDE APPELLATE REVIEW.** Roldan v. Racette, 984 F.2d 85 (2d Cir. 1993) (citing Small v. Secretary of HHS, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: September 18, 2014
Albany, New York

A handwritten signature in black ink, reading "Christian F. Hummel". The signature is written in a cursive, flowing style.

Christian F. Hummel
U.S. Magistrate Judge